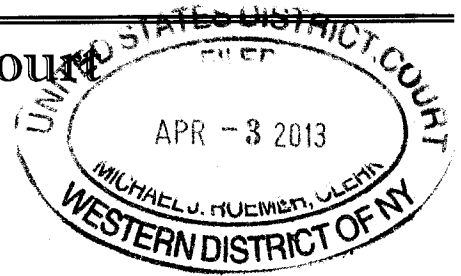


**United States District Court**  
for the  
**Western District of New York**



United States of America

v.

ROBERT PALERMO,

*Defendant*

Case No. 13-MJ- 4041

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of March 2013, in the county of Monroe in the Western District of New York, the defendant violated 18 U.S.C. § 1591, an offense described as follows:

the defendant, knowingly recruited, enticed, harbored, transported, provided and obtained a person, knowing and in reckless disregard of the fact that the person had not attained the age of 18 years and would be caused to engage in a commercial sex act, in violation of Title 18, United States Code, Section 1591.

This criminal complaint is based on these facts:

- Continued on the attached sheet.

*Complainant's signature*

Barry W. Couch  
Federal Bureau of Investigation

*Printed name and title*

Sworn to before me and signed in my presence.

Date: April 3, 2013

*Judge's signature*

City and State: Rochester, New York

Honorable Marian W. Payson  
United States Magistrate Judge

*Printed name and title*

## AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

STATE OF NEW YORK )  
COUNTY OF MONROE ) ss:  
CITY OF ROCHESTER )

I, Barry W. Couch, having been first duly sworn, do hereby depose and state as follows:

1. I am a Special Agent(SA) of the Federal Bureau of Investigation (FBI). I have been so employed since November, 2008. I am currently assigned to investigations involving crimes against children, as well as other criminal investigations.

2. This affidavit is submitted for the limited purpose of establishing probable cause to believe that ROBERT PALERMO, born xx/xx/1983, while in the Western District of New York, knowingly recruited, enticed, harbored, transported, provided and obtained a person, that had not attained the age of 18 years and would be caused to engage in a commercial sex act, in violation of Title 18, United States Code Section 1591.

3. The information contained in this affidavit is based upon my personal knowledge and observation, my training and experience, conversations with other law enforcement officers and witnesses, and the review of documents and records. Because this affidavit is being

submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause that ROBERT PALERMO did knowingly violate Title 18, United States Code, Section 1591.

4. On March 26, 2013, I was contacted by Cooperating Witness #1 (CW1), who stated that her fifteen-year-old daughter, Cooperating Witness #2 (CW2), was missing. CW1 said that she believed that her daughter might be with a DANIEL TANCK because she saw a picture of CW2 on his Facebook page and that, after observing TANCK's Facebook page, she thought TANCK might be involved with prostitution on Backpage.com. Backpage.com is an internet classified advertising website that advertises goods and services across the United States and in certain foreign countries.

5. Later on March 26, CW1 called me and informed me that she had found CW2 at a house in Rochester, New York. The house was the residence of Cooperating Witness #3 (CW3). During another conversation with CW1 that day, CW1 stated that CW2 told her that she had sex with TANCK and that she engaged in prostitution having sex with customers. CW1 said that CW2 also told her that CW3 was getting guys from Backpage.com and bringing them over. CW2 said she wanted to come home the previous Sunday, but TANCK would not let her and he

started screaming at her. CW1 also relayed that the Rochester Police Department had responded to the house mentioned above and had located CW2 there.

6. On March 26, 2013, I spoke with the Rochester Police Officer that had responded to the house referred to in paragraph 5 above. The Officer said that he encountered CW3 at the house and she had given him her phone number. CW3 had told the Officer that she used to "mess" with DANIEL TANCK and that he likes to "mess" with little girls.

7. On March 27, 2013, I and TFO Brian Tucker interviewed CW2. CW2 stated that she had asked TANCK, who she knew through another friend, to come pick her up and take her to Rochester to see friends. TANCK did come and pick her up and transported her to his house in Rochester. On the drive to Rochester, TACNK drank alcohol and gave marijuana to CW2 to smoke.

8. CW2 stated that she had sexual intercourse with TANCK more than once in his bedroom. CW2 said the sex was consensual but that TANCK did push her to have sex. TANCK knew that CW2 was fifteen years old because she had told him at a previous meeting when she met him with her other friend. TANCK did ask CW2 if she wanted to be on Backpage and work for him but CW2 told him she would do it herself. CW2 stayed the night with TANCK.

9. During the interview, CW2 was shown a picture of Cooperating Witness #4 (CW4). CW2 recognized CW4 and knew her first name. CW2 said that CW4 was with DANIEL TANCK on the previous Friday at his house and TANCK and CW4 were talking about prostitution on Backpage. CW2 overheard CW4 ask TANCK to get her a card to pay for an advertisement and TANCK had said "ok." TANCK went and got CW4 a card and then CW4 used TANCK's computer to post an advertisement.

10. The following day, CW2 met CW3, a friend of TANCK's. CW2 ended up going to CW3's house, was with her for several days, and prostituted with CW3 on Backpage.com. CW2 had sex with several customers. CW2 was shown and recognized two Backpage.com advertisements that were for her and CW3. I had located the advertisements on the internet with the phone number that the Officer had obtained from CW3, referred to in paragraph 6 above. During the interview, CW2 also recalled that she had heard that TANCK liked little girls.

11. On March 27, 2013, I and TFO Tucker interviewed CW3. CW3 confirmed that she had prostituted with CW2, that CW2 had sex with several customers, and that she and CW2 posted advertisements together. CW3 also recognized Backpage advertisements for her and CW2. CW3 said that she thought CW2 was seventeen. At one point in the interview, CW3 stated, "I was doin my Backpage thing." CW3 said

that CW2 had told her that TANCK was supposed to pay CW2 for having sex with him, but she had sex with him a couple times and he did not pay her. CW3 said that TANCK had a lot of young girls that he was prostituting. TANCK had been the one to inform CW3 about Backpage. CW3 said that TANCK would "hook her up" with girls.

12. CW3 stated that at one point, TANCK pulled CW2 aside and told her not to tell CW3 about her age. CW3 said she knew CW4 as well, and she knew her to be fifteen or sixteen years old. CW3 stated that both TANCK and ROBERT PALERMO were prostituting girls. CW3 said she thought she might have phone numbers in her phone that TANCK and PALERMO used for prostitution. CW3 looked at her phone and provided what she said was PALERMO's phone number. CW3 said that TANCK probably would use Crickett phones for his prostituting or have PALERMO use his phone number.

13. CW3 stated that the first time she posted an advertisement for her and CW2, she used TANCK's computer to post, and that TANCK had given her permission to post the advertisement.

14. CW3 said that PALERMO had shown her pictures on his phone of CW4 and that he said he was going to use the pictures to post a prostitution advertisement of CW4. CW3 stated that PALERMO posted advertisements on TANCK's computer.

15. CW3 said that she had a sexual relationship with TANCK since she was sixteen years old until about 2009, and TANCK would pay her for the sex. CW3 added that TANCK had just gotten his ankle bracelet off and that was why he was able to go pick up CW2.

16. On March 28, 2013, I located a Backpage.com advertisement on the internet using the phone number that CW3 had provided to me as belonging to ROBERT PALERMO. The advertisement was posted on Backpage's Female Escorts section, and appeared to be advertising a room in PALERMO's house for services.

17. On March 28, 2013, I and TFO Tucker interviewed PALERMO at the New York State Parole office in Rochester, New York. PALERMO had seen CW2 at the house where he and DANIEL TANCK lived, 567 Emerson, Rochester, New York. He recalled seeing CW2 smoking marijuana in TANCK's bedroom and that CW2 had been with TANCK in TANCK's bedroom all night. PALERMO said that TANCK went to "weed spots" all over Rochester.

18. During the interview with PALERMO, when discussing DANIEL TANCK, PALERMO stated, "DANIEL definitely has a problem" about wanting to be with young girls. PALERMO said that when he was in jail with TANCK for stealing snow plows, TANCK would cut out pictures of high school aged girls and put them on his bunk.

19. PALERMO acknowledged that his phone number was the one that CW3 had provided me as being his and that I had located on the Backpage.com advertisement for the room in PALERMO's house. PALERMO said that the phone for that phone number was his, that he had the contract on it and paid for it, and that no one else used his phone. When asked if he had posted advertisements on Backpage for girls to prostitute, or an advertisement for his home to be used for prostitution, PALERMO responded, "I put an ad for a room, one time". TFO Tucker told PALERMO that there was more than one ad. PALERMO said that was a mistake and he only meant to post it on Backpage here (Rochester). PALERMO was shown the Backpage advertisement for his house referred to in this paragraph and in paragraph 16 above. PALERMO acknowledged it was the advertisement that he spoke of and that the picture was one of his house. PALERMO was shown a Backpage.com advertisement for CW3 that listed his phone number as the contact number. PALERMO stated that CW3 had used his phone because he wanted to do her a favor. PALERMO said that he had taken the pictures of CW3 that were in the advertisement, and that the pictures were from inside his home.

20. When asked about CW4, PALERMO said that she would hang out with TANCK. When asked if he knew how old CW4 was, PALERMO stated that he had found out she was underage and was fifteen years old. PALERMO said TANCK used to pick up CW4 and bring her over.

21. PALERMO said that he warned TANCK over and over not to be with young girls.

22. On March 28, 2013, the Rochester Police Department executed a search warrant at 567 Emerson, Rochester, New York. In the bedroom identified as TANCK's, a ball cap was located that had the words, "I (heart shape) BACKPAGE". During the execution of that search warrant two female occupants of the residence were interviewed. One of them said she never saw CW2 but had heard of her. She said that the girls DANIEL TANCK had around looked like "babies". That resident was shown a picture of CW4 and she said she had known and seen CW4 at the house. The other resident of the house said she knew that TANCK liked younger girls and that he, at one point, had asked her to prostitute for him, but she declined. She said TANCK had wanted to "split the cut" from the prostitution proceeds with her and that he also talked to her about Backpage. Both the residents thought that TANCK had been having sex with CW4 in his bedroom.

23. On March 28, 2013, the FBI subpoenaed Backpage.com for advertisements associated with the phone number belonging to ROBERT PALERMO's phone referred to in paragraphs 12, 16 and 19 above. Backpage.com provided a response to the subpoena. Among the advertisements was the advertisement for PALERMO's house referred to in paragraphs 16 and 19 above. In that advertisement, the contact

person in the advertisement is "Joey". Also among the advertisements was an advertisement for a female that appeared to me to possibly be CW4. The administrative data for that advertisement listed "Joey" as the name associated with the Backpage account.

24. On April 1, 2013, I and TFO Tucker interviewed CW4, date of birth xx/xx/1998. CW4 was shown the Backpage.com advertisement for a female referred to in paragraph 23 above, another Backpage advertisement that I had located on the internet, and another similar advertisement I had located on the internet with the same pictures as the Backpage advertisements. CW4 acknowledged that the advertisements were for her and that the pictures in the advertisements were ones she had taken of herself in DANIEL TANCK's room. CW4 said that, "It was his friends. They were just doin it. I needed money." CW4 said that TANCK and PALERMO told her, "We can just do this", talking about CW4 prostituting. CW4 then said that they helped her.

25. CW4 stated that she, TANCK and PALERMO put the prostitution advertisement for her on Backpage.com together. CW4 knew that PALERMO paid for the advertisement because she was with him when he bought a green dot card with cash to use to pay for the ad. CW4, TANCK and PALERMO placed the advertisement all together using TANCK's computer.

26. CW4 said that she had two dates as a result of the advertisement, but that one did not work out because the customer would not show her his money. TANCK drove CW4 to the other date, where she had sexual intercourse with the customer, and the customer paid her \$80 for less than ten minutes. CW4 kept her money, but she believed that others would prostitute for TANCK and PALERMO and give them their money that they earned.

27. CW4 stated that she did have sex with TANCK at his house.

28. CW4 said that she had met TANCK through her brother and that she had met PALERMO through TANCK. CW4 stated that she had told both TANCK and PALERMO that she was fourteen years old, that they had known her age for a while and that she had told them her age prior to TANCK and PALERMO placing the prostitution advertisement for her.

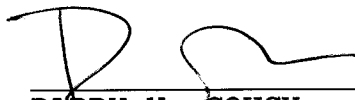
29. On April 1, and April 2, 2013, in compliance with a search warrant obtained by him, TFO Tucker reviewed the content of a cellular phone that had been identified as belonging to DANIEL TANCK and was seized by New York State Parole. TFO Tucker located text messages between TANCK and CW4 appearing to discuss CW4 being prostituted by TANCK. In one text message conversation dated March 21, 2013, CW4 asks TANCK, "Whatt". TANCK responds, "U gonn a let me" "Its business". CW4 then responds, "Let yu watt". TANCK responds, "Come

get u". CW4 then says, "Lol yu tryna pay a nigga?" TANCK then says, "ima put u to work its Thursday n u ready ritw". CW4 replies, "Yea I'm down but ina couple hours cus my mommys cookinn" and "Idk man I'm startin not too feel right about tthis". TANCK responds, "Why what happen" and "No school today". CW4 replies, "Idk I mean I like the money but everytime I do it I feel gross".

30. In another text message conversation dated March 23, 2013, CW4 states to TANCK, "I tthink I'm bouta make this money today". TANCK responds, "(CW4)" and "Get me a tattoo". CW4 replies, "Noooo bitch yu get me a tattoo lol". TANCK then tells CW4, "Listen you cannot turn down any calls" "UNDERSTAND!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!". CW4 responds, "I UNDERSTAND LOL". Later on March 23, 2013, TANCK asks CW4, "Where are u" "Hello". CW4 responds, "Home". TANCK then asks, "What u doin today". CW4 replies, "Goin with xxxxx too the mall and then I'm supposed to be makein some money". TANCK responds, "W who". CW4 replies, "Yuu". TANCK then states, "Ohh ok". CW4 then says, "Duhh lol". TANCK responds, "K" "Don't worry I'm comin".

Based upon the foregoing, your affiant respectfully submits that there is probable cause to believe that ROBERT PALERMO has violated Title 18, United States Code, Section 1591, knowingly recruiting, enticing, harboring, transporting, providing and obtaining a person,

that had not attained the age of 18 years and would be caused to engage  
in a commercial sex act.



BARRY W. COUCH  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
3rd day of April 2013.



HONORABLE MARIAN W. PAYSON  
United States Magistrate Judge